

ADAM R. ALPER (S.B.N. 196834)
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500
aalper@kirkland.com

TIMOTHY G. MAJORS (S.B.N. 228275)
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500
tim.majors@kirkland.com

DANIEL W. MCDONALD (*Pro Hac Vice*)
dmdonald@merchantgould.com
WILLIAM D. SCHULTZ (*Pro Hac Vice*)
wschultz@merchantgould.com
ERIC CHAD (*Pro Hac Vice*)
echad@merchantgould.com
MERCHANT & GOULD P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2215
Telephone: (612) 332-5300
Facsimile: (612) 332-9081

Attorneys for Defendant CARDIOCOM,
LLC

BAS DE BLANK (S.B.N. 191487)
basdeblank@orrick.com
SIDDHARTHA VENKATESAN (S.B.N. 245008)
svenkatesan@orrick.com
LILLIAN MAO (S.B.N. 267410)
lmao@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
100 Marsh Road
Menlo Park, California 94025
Telephone: (650) 614-7400
Facsimile: (650) 614-7401

Attorneys for Plaintiff
ROBERT BOSCH HEALTHCARE SYSTEMS,
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERT BOSCH HEALTHCARE
SYSTEMS, INC.,

Plaintiff,

v.

CARDIOCOM, LLC,

Defendant.

Case No. 3:14-cv-01575-EMC

**JOINT SUPPLEMENTAL CASE
MANAGEMENT STATEMENT AND
[PROPOSED] ORDER**

Date: January 14, 2016
Time: 9:30 A.M.
Dept: 5
Judge: Edward M. Chen

Pursuant the Court's June 29, 2015 Order (Dkt. No. 159), Plaintiff Robert Bosch Healthcare Systems, Inc. ("Bosch") and Defendant Cardiocom, LLC ("Cardiocom") hereby supplement their previous joint case management statements (Dkt. Nos. 140, 150, 152, 158) with the current status of the post-grant review proceedings relevant to the Patents-in-Suit:

IPR / Reexam Case No.	Patent No.	Claims Challenged	Status
IPR2013-00468 & IPR2013-00469 (merged)	7,516,192	1-37 (all claims)	Final decision issued Jan. 27, 2015. All challenged claims cancelled. Bosch filed Notice of Appeal on Mar. 18, 2015. Appeal pending (consolidated appeal No. 15-1601). Briefing and Appendix completed on Dec. 17, 2015.
90/013,269	7,516,192	1-10, 13-19, 37	Office Action rejecting challenged claims mailed May 19, 2015. Bosch filed Notice of Appeal on July 2, 2015. Bosch filed Reply Brief and Request for Oral Hearing on December 21, 2015.
IPR2013-00449	7,840,420	1-5 (all claims)	Final decision issued Jan. 15, 2015. All challenged claims cancelled. Bosch filed Notice of Appeal on Mar. 18, 2015. Appeal pending (consolidated appeal No. 15-1601). Briefing and Appendix completed on Dec. 17, 2015.
90/013,270	7,840,420	1-5 (all claims)	All claims confirmed on June 5, 2015. Reexamination certificate issued on July 22, 2015.
IPR2013-00431	7,921,186	1-16 (all claims)	Final decision issued Jan. 15, 2015. All challenged claims cancelled. Bosch filed Notice of Appeal on Mar. 18, 2015. Appeal pending (consolidated appeal No. 15-1601). Briefing and Appendix completed on Dec. 17, 2015.
90/013,263	7,921,186	1-8	Final Office Action rejecting challenged claims mailed April 15, 2015. Bosch filed Notice of Appeal on Sept. 15, 2015 and Appeal Brief on Nov. 16, 2015. Examiner filed Answer to Appeal Brief on December 1, 2015.
IPR2013-00451	7,587,469	1, 2, 5-10	Final decision issued Jan. 15, 2015. All challenged claims cancelled. Bosch filed Notice of Appeal on Mar. 18, 2015. Bosch requested termination of Appeal, which was granted on July 24, 2015.
90/013,175	7,587,469	1-22 (all claims)	Reexamination certificate issued on December 8, 2015, confirming claims 3 and 4, and rejecting claims 1, 2, and 5-22.

IPR / Reexam Case No.	Patent No.	Claims Challenged	Status
90/013,663	7,587,469	3	Reexamination request filed on Dec. 21, 2015, pending decision by Office.
IPR2014-00488	7,769,605	1-9 (all claims)	IPR Instituted on all claims Sept. 2014. Terminated on Bosch's Motion to Terminate for Petitioner's Failure to Name all Real Parties in Interest on March 16, 2015. Request for Rehearing denied May 22, 2015. Medtronic filed Notice of Appeal on July 23, 2015. Federal Circuit granted Bosch's motion to dismiss appeal on Nov. 17, 2015. Medtronic filed petition for <i>en banc</i> rehearing on Dec. 17, 2015.
90/013,167	7,769,605	1-9 (all claims)	All claims confirmed on June 2, 2015. Reexamination certificate issued on June 22, 2015.
90/013,484	7,769,605	1-9 (all claims)	Reexamination ordered on all claims June 9, 2015. First office action issued on Sept. 10, 2015, rejecting all claims. Bosch submitted response on Nov. 10, 2015. Pending Examiner action.
90/013,527	7,769,605	1-9 (all claims)	Petition filed June 12, 2015. Reexamination denied on Aug. 12, 2015. Petition for review of reexamination denial filed on Sept. 14, 2015. Pending Office response to petition for review.
IPR2014-00607 (merged with 2014-00691)	7,870,249	1, 2, 6-8, 11-13	Terminated on Bosch's Motion to Terminate for Petitioner's Failure to Name all Real Parties in Interest on March 16, 2015. Request for Rehearing denied May 22, 2015. Medtronic filed Notice of Appeal on July 23, 2015. Federal Circuit granted Bosch's motion to dismiss appeal on Nov. 17, 2015. Medtronic filed petition for <i>en banc</i> rehearing on Dec. 17, 2015.
IPR2014-00691	7,870,249	3-5, 9, 10, 14-29	Terminated on Bosch's Motion to Terminate for Petitioner's Failure to Name all Real Parties in Interest on March 16, 2015. Request for Rehearing denied May 22, 2015. Medtronic filed Notice of Appeal on July 23, 2015. Federal Circuit granted Bosch's motion to dismiss appeal on Nov. 17, 2015.

IPR / Reexam Case No.	Patent No.	Claims Challenged	Status
			Medtronic filed petition for <i>en banc</i> rehearing on Dec. 17, 2015.
90/013,262	7,870,249	14-18, 20-21, 23-26	Reexamination certificate confirming claims 14-18, 20-21 and cancelling claims 23-26, issued May 22, 2015.
90/013,493	7,870,249	1, 2, 6-8, 10-13	Reexamination ordered for claims 1, 2, 6-8, and 10-13 on June 3, 2015. First office action issued on Aug. 20, 2015, rejecting challenged claims. Bosch filed response and terminal disclaimer on Oct. 20, 2015. Terminal disclaimer approved on Oct. 21, 2015. Pending Examiner action.
90/013,647	7,870,249	1-13	Reexamination request filed on Dec. 4, 2015, pending decision by Office.
90/013,638	7,870,249	1-2, 6-8, 11-13	Reexamination request filed on Nov. 23, 2015. Request denied on Dec. 17, 2015.

In light of the Final Decisions issued by the Board and Bosch's pending appeal of those Decisions the parties do not believe the Case Management Conference, scheduled for January 14, 2016, will be necessary at this time and Bosch will not seek to lift the stay in place in this litigation until the conclusion of Bosch's pending Federal Circuit IPR appeals. Therefore, the parties respectfully request that the Court take the Case Management Conference off the calendar and allow the parties to file another supplemental status report with the Court within the earlier of a) six months or b) fourteen (14) days following the decision by the Federal Circuit on Bosch's pending appeals.

1 Dated: January 7, 2016

Respectfully submitted,

2 By: /s/ Bas de Blank

3 Bas de Blank, Bar No. 191487
4 bdeblank@orrick.com
5 ORRICK, HERRINGTON & SUTCLIFFE LLP
6 1000 Marsh Road
7 Menlo Park, California 94025
8 Telephone: (650) 614-7400
9 Facsimile: (650) 614-7401

Attorneys for Plaintiff
ROBERT BOSCH HEALTHCARE SYSTEMS, INC.

10 Dated: January 7, 2016

11 By: /s/ William D. Schultz w/ permission Bas de Blank

12 William D. Schultz
13 wschultz@merchantgould.com
14 MERCHANT & GOULD P.C.
15 3200 ids Center
16 80 S. Eighth Street
17 Minneapolis, MN 55402-2215
18 Telephone: (612) 336-4637
19 Facsimile: (612) 332-9081

Attorneys for Defendant
CARDIOCOM, LLC

20 CASE MANAGEMENT ORDER

21 The above JOINT SUPPLEMENTAL CASE MANAGEMENT STATEMENT AND
22 [PROPOSED] ORDER is approved as the Case Management Order for this case and all parties
23 shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

24 IT IS SO ORDERED. The 1/14/16 CMC is reset for 7/7/16 at 9:30 a.m. An updated joint
25 CMC statement shall be filed by 6/30/16.

26 Dated: 1/8/2016

27 JUDGE EDWARD M. CHEN
28 UNITED STATES DISTRICT COURT

